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PATENT
P56692

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MOON-KEY HAN

Serial No.: 10/069,762

Examiner: NOVOSAD, Jennifer Eleanore

Filed: 28 February 2002

Art Unit: 3634

I.A. Filed: 1 September 2000

For: CONNECTED SOLID SOAPS WITH KEEPING UNIT (as amended)

PETITION UNDER 37 C.F.R. §1.181

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully petitions from the failure of the Examiner in the Office action dated 23 August 2004 (Paper No. 20040810) to properly consider the references cited in the Applicant's Information Disclosure Statement (PTO-1449) filed on 28 February 2002, and as reasons therefor states that:

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Date: 8/26/04
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STATEMENT OF FACTS

1. On 28 February 2002, Applicant filed an Information Disclosure Statement (PTO-1449) citing four patent references which were cited in the International Search Report issued to a PCT international application PCT/KR00/00993 upon which the present application was filed under 35 U.S.C. §371.
2. On 8 July 2003, a first Office action was facsimile transmitted to the Applicant's undersigned attorney (Paper No. 5). On page 2 of Paper No. 5, the Examiner refuses therein to consider the Applicant's Information Disclosure Statement and cited referenced because copies of the references cited in the Information Disclosure Statement were not attached to the Information Disclosure Statement.
3. On 9 July 2003, Applicant filed a Petition in which the Examiner was reminded that the present application was a PCT US national stage application and that those references cited in the Applicant's Information Disclosure Statement filed on 28 February 2002 were cited in the International Search Report issued to a PCT international application PCT/KR00/00993 upon which the present application was filed under 35 U.S.C. §371, and therefore no copies of the references needed to be attached to the Applicant's Information Disclosure Statement filed on 28 February 2002. In the Petition filed on 9 July 2003, consideration of Applicant's Information Disclosure Statement filed on 28 February 2002 was respectfully requested.
4. On 28 July 2003, Paper No. 5, which was identical to Paper No. 5 previously facsimile transmitted to the Applicant, was mailed to the Applicant's undersigned

attorney, thereby renewing the period for response to and through 28 October 2003.

5. On 11 August 2003, Miscellaneous Letter (Paper No. 6) was issued by the Examiner. In Paper No. 6, the Examiner stated that the points raised in the Applicant's Petition filed on 9 July 2003 were agreed with, and that the relief requested would be granted full. Paper No. 6 also stated that the references cited in the Applicant's Information Disclosure Statement filed on 28 February 2004 would be considered and "a copy of the initialed form 1449 will be included with the next Office action" (quoting from page 2, lines 10-11 of Paper No. 6).
5. On 17 December 2003, Paper No. 11, an Election of Species, was issued in response to the Applicant's Amendment filed on 21 October 2003. The "copy of the initialed form 1449" which the Examiner stated would be included with the next Office action, was not included.
6. On 6 April 2004, a communication from the Examiner (an unnumbered Paper) was issued in response to the Applicant's Amendment filed on 17 February 2004. The "copy of the initialed form 1449" which the Examiner stated would be included with the next Office action, was not included.
7. On 23 August 2004, a final Office action (Paper No. 20040810) was issued in response to the Applicant's Response filed on 3 May 2004. The "copy of the initialed form 1449" which the Examiner stated would be included with the next Office action, was not included.
8. On page 4 in Paper No. 20040810, the Examiner confirms consideration of the

Information Disclosure Statement referring to the Examiner's Miscellaneous Letter of 11 August 2003, but identifies the Applicant's Information Disclosure Statement as "[t]he information disclosure statement (IDS) submitted on July 9, 2003 was filed after the mailing date of the non-final Office action on July 28, 2003."

REMARKS

Applicant respectfully requests correct identification of the Applicant's Information Disclosure Statement in the file wrapper of the present application, as well as confirmation, by the Examiner, of consideration of all of the references cited in the Information Disclosure Statement filed on 28 February 2002.

RELIEF REQUESTED

In view of the above, Commissioner is respectfully requested to:

- A. Strike out the first sentence under the "Information Disclosure Statement" section on page 4 of the final Office action (Paper No. 20040810) mailed on 23 August 2004, namely "The information disclosure statement (IDS) submitted on July 9, 2003 was filed after the mailing date of the non-final Office action on July 28, 2003.";
- B. Issue a supplemental final Office action with the corrected "Information Disclosure Statement" section;
- C. Attach to the supplemental final Office action a copy of PTO-1449 filed on 28

February 2002 indicating consideration of all of the references listed in that PTO-1449;

- D. Re-start the period for response to expire not less than three (3) months from the date on which a cop of PTO-1449 indicating consideration of the references listed in the Information Disclosure Statement is provided to Applicant by the Examiner.
- E. Grant such other and further relief as justice may require.

Respectfully submitted,



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